

FILED

JUL 22 2010

CITY CLERK

**SPECIAL ORDINANCE NO. 20, 2010**

**AN ORDINANCE VACATING A PORTION OF  
A PUBLIC ALLEY LOCATED IN THE  
CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA**

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana:

Section 1. Pursuant to the provisions of I.C.36-7-3-12, it is desired and deemed necessary to vacate a public alley located in the City of Terre Haute, Vigo County, Indiana, which is now laid out and existing in the City of Terre Haute, Indiana, and described as follows:

All that part of the a 15 foot wide alley running North to South from the North property line to the South property line of the following described real estate:

Part of Lot Number Four (4) in John Milners Subdivision of the North West Quarter (1/4) of Section 26, Township 12 North of Range 9 West, described as follows, to-wit: Commencing 180 feet North of a point where the West line of the County Road (now Twenty-fifth Street) intersects the North line of Crawford Street in said Milners Subdivision, running thence North 120 feet, thence West to the West line of said Lot Number Four (4), thence South 120 feet, thence East to the place of beginning.

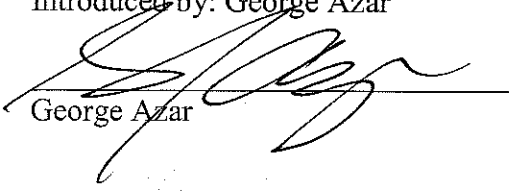
Commencing at a point of 120 feet North and 149.19 feet West of the intersection of the West line of the County Road and the North line of Crawford Street, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North Range 9 West; thence North 60 Feet; thence West to the East line of 24<sup>th</sup> Street; thence South 60 feet, thence East to the place of beginning. Being a part of Lot 4 in said John Milner's Subdivision.

Section 2. Be it further ordained that alleyway in the City of Terre Haute, Indiana above-described, be and the same is hereby vacated and will revert to the property owner on which the alleyway is located subject to the continuation of any and all existing easements for public utilities.

Section 3. Be it further ordained that the City Clerk be, and is hereby directed to furnish a copy of this ordinance to the Recorder of Vigo County, Indiana, for recording and to the Auditor of Vigo County, Indiana.

WHEREAS, an emergency exists for the immediate taking of this ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Introduced by: George Azar

  
George Azar

7/20/10  
Date

Passed in open council this \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Neil Garrison, City Council President

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Duke A. Bennett, Mayor

I affirm, under the penalties for perjury, that I have taken responsible care to redact each social security number in this document, unless required by law.

  
David P. Friedrich

This document prepared by:

David P. Friedrich, 15164-84  
Wilkinson, Goeller, Modesitt,  
Wilkinson & Drummy  
333 Ohio Street  
Terre Haute, IN 47807

## **PETITION FOR VACATION OF PUBLIC ALLEYWAYS**

To: The President and Members of The Common Council of the City of Terre Haute, Indiana

Ladies and Gentlemen:

The undersigned Petitioner, David R. Callahan, as the sole owner of the real estate of a certain alleyway platted in Terre Haute, Indiana, respectfully submits this Petition and requests the legislative body of the City of Terre Haute, Indiana to vacate the public alleyway described below pursuant to the provisions of I.C. 36-7-3-12, and in support of this Petition states:

1. Petitioner, David R. Callahan is the sole owner of the following described real estate located in Vigo County, Indiana:

Part of Lot Number Four (4) in John Milners Subdivision of the North West Quarter (1/4) of Section 26, Township 12 North of Range 9 West, described as follows, to-wit: Commencing 180 feet North of a point where the West line of the County Road (now Twenty-fifth Street) intersects the North line of Crawford Street in said Milners Subdivision, running thence North 120 feet, thence West to the West line of said Lot Number Four (4), thence South 120 feet, thence East to the place of beginning.

Commencing at a point of 120 feet North and 149.19 feet West of the intersection of the West line of the County Road and the North line of Crawford Street, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North Range 9 West; thence North 60 Feet; thence West to the East line of 24<sup>th</sup> Street; thence South 60 feet, thence East to the place of beginning. Being a part of Lot 4 in said John Milner's Subdivision.

Lots 4, 5, 6 and 7 in Monterey Place, 3<sup>rd</sup> Subdivision, a Subdivision of the North half of Lots 4 and 5 in John Milner's Subdivision of part of the North West quarter of Section 26, Township 12 North, Range 9 West.

The real estate is the business address for Callahan and Hughes Funeral Home and is commonly known as:

605 South 25<sup>th</sup> Street, Terre Haute, Indiana

The real estate is generally bounded as follows: On the south by 626 South 24<sup>th</sup> Street, 628 South 24<sup>th</sup> Street, 631 South 25<sup>th</sup> Street, and on the north by 518 South 24<sup>th</sup> Street.

Attached is a copy of a portion of a plat showing the properties and the public alleyway which Petitioner seeks to have vacated (the alleyway proposed to be vacated is highlighted in yellow).

2. The portion of the public alleyway to be vacated is described as follows:

All that part of the a 15 foot wide alley running North to South from the North property line to the South property line of the following described real estate:

Part of Lot Number Four (4) in John Milners Subdivision of the North West Quarter (1/4) of Section 26, Township 12 North of Range 9 West, described as follows, to-wit: Commencing 180 feet North of a point where the West line of the County Road (now Twenty-fifth Street) intersects the North line of Crawford Street in said Milners Subdivision, running thence North 120 feet, thence West to the West line of said Lot Number Four (4), thence South 120 feet, thence East to the place of beginning.

Commencing at a point of 120 feet North and 149.19 feet West of the intersection of the West line of the County Road and the North line of Crawford Street, in John Milner's Subdivision of part of the North West Quarter of Section 26, Township 12 North Range 9 West; thence North 60 Feet; thence West to the East line of 24<sup>th</sup> Street; thence South 60 feet, thence East to the place of beginning. Being a part of Lot 4 in said John Milner's Subdivision.

3. No land owner adjoining and abutting the alleyway to be vacated would be adversely affected by the vacation of the alleyway. Petitioner is the sole owner of property on which the alley to be vacated is located. Property owners that abut the alley can drive on the existing alleyway that will not be vacated south to Crawford Street and north to Oak Street. The vacation of the alleyway would also not adversely affect the flow of traffic in the neighborhood.
4. The alleyway to be vacated has not been utilized as an alley since the property has been utilized as a funeral home or the Petitioner has owned the real estate on South 25<sup>th</sup> Street.
5. Petitioner proposes the vacation of the alleyway in order to facilitate the remodeling and expansion of the Callahan & Hughes Funeral Home.
6. The proposed vacation would not hinder the use of a public way by the neighborhood in which the alleyway is located or to which they are contiguous since the Petitioner is the sole owner of land on which the alleyway is located and all other landowners in the area or those which abut the alleyway in question will have and will continue to have direct access to public ways.
7. The proposed vacation of the alleyway would not make access to any land by any person by means of public way difficult or inconvenient, nor would the vacation hinder any member of the public's access to a private or public building.

8. The names and addresses of all owners that abut the alleyways proposed to be vacated are as follows:

Phillip E. Williams, Jr., 628 South 24<sup>th</sup> Street, Terre Haute, Indiana 47803.

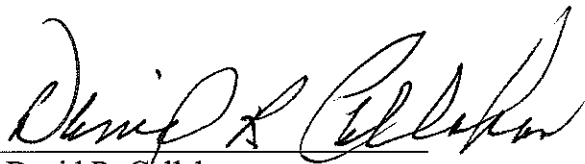
Eugene W. Etheridge, 631 South 25<sup>th</sup> Street, Terre Haute, Indiana 47803.

Lawrence J. Brune, 518 South 24<sup>th</sup> Street, Terre Haute, Indiana 47803.

THEREFORE, Petitioner, David R. Callahan, respectfully requests the Common Council of the City of Terre Haute, Indiana after a hearing on this petition in accordance with the law to:

- (a) Adopt an ordinance vacating the alleyway referred to and described above;
- (b) Cause the Clerk of the City of Terre Haute to furnish copies of said vacation ordinance to the County Recorder of Vigo County for recording and to the County Auditor, and to cause the Recorder to release the ordinance to the Vigo County Area Planning Department for distribution in accordance with paragraph 1125.06 of the City's zoning Ordinance; and
- (c) For all other proper relief in the premises.

Respectfully submitted,

By:   
David R. Callahan

This document prepared by:

David P. Friedrich, #15164-84  
Wilkinson, Goeller, Modesitt,  
Wilkinson & Drummy  
333 Ohio Street  
Terre Haute, IN 47807

